

LIGHTHOUSE FELLOWSHIP CHURCH,
Plaintiff,

v.

RALPH NORTHAM, *in his official capacity as
Governor of the Commonwealth of Virginia,*
Defendant.

Case No. 2:20-cv-204

**MOTION OF AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF DEFENDANT
AND IN OPPOSITION TO PLAINTIFF’S MOTION FOR INJUNCTION PENDING APPEAL**

Submitted for decision without a hearing

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** Pro hac vice motions submitted herewith.*

Americans United for Separation of Church and State respectfully requests leave to file the attached *amicus curiae* brief in opposition to Plaintiff's motion for an injunction pending appeal.

Defendant takes no position on this motion. Plaintiff opposes the motion. No party requests a hearing on this motion.

Americans United is a nonsectarian and nonpartisan public-interest organization that is committed to preserving the constitutional principles of religious freedom and the separation of religion and government. Americans United's attorneys have extensive expertise in church-state and religious-freedom law. In recent weeks, Americans United has submitted ten *amicus* briefs in federal and state appellate and trial courts across the country addressing the application of COVID-19-related public-health orders to houses of worship and religious services. A federal district court in one of these cases observed that Americans United's *amicus* brief was "both timely and helpful" (*Cross Culture Christian Ctr. v. Newsom*, No. 2:20-cv-832-JAM-CKD, ECF No. 18 (E.D. Cal. Apr. 29, 2020)) and cited the brief twice in its decision (*Cross Culture Christian Ctr. v. Newsom*, ___ F. Supp. 3d ___, No. 2:20-cv-832-JAM-CKD, 2020 WL 2121111, at *4, 7 (E.D. Cal. May 5, 2020)).

Americans United believes that its proposed *amicus* brief would be helpful to the Court here by providing case law and argument on at least three relevant issues that are within Americans United's particular area of expertise: First, the proposed brief explains that a rational-basis standard is the appropriate standard of review for Plaintiff's Free Exercise Clause claim. Second, the proposed brief demonstrates that a long line of case law has concluded that critical public-health measures satisfy even a compelling-interest standard and can constitutionally be applied to religious objectors. Finally, the proposed brief explains that requiring a religious exemption in this context would violate the Establishment Clause of the First Amendment to the U.S. Constitution.

For the foregoing reasons, Americans United respectfully requests that the Court grant this motion to file the attached proposed *amicus* brief.

Respectfully submitted,

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/s/ Victor M. Glasberg

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Date: May 7, 2020.

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2020, the foregoing brief was filed using the Court's CM/ECF system, through which counsel for all parties will be served.

/s/ Victor M. Glasberg

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